



Clarke County Planning Commission

MINUTES – Policy & Transportation Committee Meeting

Wednesday, February 15, 2023 – 2:00PM

Berryville/Clarke County Government Center – A/B Meeting Room

ATTENDANCE:			
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Bob Glover (Millwood)	✓	George L. Ohrstrom, II (Ex Officio)	✓*
Scott Kreider (Buckmarsh)	X		

* Chair Ohrstrom served as alternate for this meeting.

STAFF PRESENT: Brandon Stidham (Director of Planning)

CALL TO ORDER: By Mr. Stidham at 1:59PM.

1. Approval of Agenda

Committee members approved the meeting agenda by consensus.

2. Approval of Minutes – January 31, 2023 Meeting

A motion to approve the January 31, 2023 meeting minutes as presented by Staff was approved 4-0-1.

Motion to approve January 31, 2023 meeting minutes as presented by Staff:			
Dunning	AYE	Malone	AYE (moved)
Glover	AYE	Ohrstrom	AYE (seconded)
Kreider	ABSENT		

3. Continued Discussion, Campground Regulations

Mr. Stidham stated that he spoke with Commissioner Kreider before the meeting and he said that he has no concerns with the proposed text amendment. Mr. Stidham also said that he understands that some members may have concerns and recommended that they start the meeting with questions.

Chair Ohrstrom suggested discussing the proposed limitation of 14 days in a 60-day period for a public/non-profit campground to be treated as a private campground. He said that this may be too restrictive for uses like church camps and suggested 30 days in a 60-day period with a one week break in between each camping activity. He added that this would allow for two camping activities during the summer. Mr. Stidham offered a scenario of a non-profit campground that operates during the summer and can be for as many as 300 campers. Chair Ohrstrom said that we do not want that and added that 300 campers would be a huge impact. He added that he had in mind a small camping activity such as 15 kids camping for 10 days at a time. Mr. Stidham noted that the 14 days in a 60-day period limitation prevents someone from establishing a permanent campground facility but does not prevent a property owner from allowing his church

group or scout troop to camp on their land. Chair Ohrstrom asked if it would be different if the church was the property owner. Mr. Stidham replied that a church could do it but would have to operate it as a private campground and could not hold it out as the church's permanent campground. Chair Ohrstrom asked if camping would still be limited to 14 days in a 60-day period and Mr. Stidham replied yes. Mr. Stidham added that the property owner would also have to have an approved Virginia Department of Health (VDH) temporary campground permit if required. Commissioner Dunning asked who would check on this permitting and Mr. Stidham replied that VDH probably operates on a complaint basis like the Planning Department.

Chair Ohrstrom asked if all zoning violations are investigated on a complaint basis. Mr. Stidham replied yes except for violations that may result in imminent harm to public safety or property, or if another agency is initiating the enforcement action. He added that the leased lot campground use will likely be difficult to police. Chair Ohrstrom asked for confirmation that we reduced the number of RVs allowed. Mr. Stidham replied that we are proposing to go from 3 campsites to a maximum of 2 RVs on a lot.

Chair Ohrstrom says he is OK with the text amendment but said that he found the chart provided by Staff to be confusing. He also said that the inclusion of "commercial campground" in the text amendment is confusing because we are proposing to prohibit them. Mr. Stidham said that we are trying to define the different forms of camping for the purpose of stating which forms are allowed and which forms are prohibited. He added that he could incorporate the prohibition on commercial campgrounds into the definition. He also said that he could add a second sentence to the definition which says, "Commercial campgrounds are a prohibited use." Committee members said they prefer the latter approach.

Regarding leased lot campgrounds, Commissioner Glover asked how "lot" is defined and Mr. Stidham replied that it means a lot of record. Mr. Stidham added that any time you see the word "lot" in the Zoning Ordinance, it refers to a lot of record. Commissioner Dunning asked if it can be any size and Mr. Stidham replied yes. Commissioner Dunning then asked if it means a taxable lot and Mr. Stidham replied yes. Commissioner Glover asked if "lot" could be defined better in the text amendment because there can be a number of "river lots" in a "lot," and Commissioner Malone agreed. Mr. Stidham said that we do not use or define the term "river lot." Commissioner Dunning noted that this is the problem because people are accustomed to the term "river lot." He gave the example of someone referencing their river lot which can be one of many located within a single lot of record. Commissioner Glover noted that you can also have a specified lessee that rents more than one river lot. Mr. Stidham suggested addressing the difference between a river lot and a lot of record in outreach materials rather than in the text amendment. Commissioner Glover said that he thinks river lot needs to be defined in the leased lot campground description. He also said that the river lots likely will not comply with these regulations. Mr. Stidham added that we probably would not receive many complaints about them unless the activities got out of control.

Mr. Stidham asked the members if they thought the concept of leased lot campgrounds is too complicated. He added that it is an attempt to allow the river lot practice to continue without prohibiting it along with commercial campgrounds. He noted that if a complaint is filed that a property owner is operating a commercial campground, they can resolve the complaint by

producing evidence of long-term leases. Chair Ohrstrom asked if they can also use this to address more than two RVs on the lot and Mr. Stidham replied yes. Commissioner Glover said that he thinks the leased lot campground definition in the text amendment is OK but added that the language is not intuitive. Mr. Stidham said that they have more flexibility to explain the regulations in the outreach materials. Commissioner Dunning asked if we could use different terminology like “property lot” to better explain the river lot practice. Mr. Stidham asked what issue are we specifically trying to clean up and Commissioner Dunning replied just the common use of the word “lot.” Chair Ohrstrom said we are dealing with the cultural experience in Clarke County of people referring to a “lot” in this context as a small “river lot” within a lot of record. Mr. Stidham said what he is trying to avoid is introducing local slang into the Zoning Ordinance. He added that Staff has a lot more flexibility with the language in the guidance manual and brochures that can be created to explain the regulations.

Mr. Stidham asked the Committee if they are comfortable with the concept of leased lot campgrounds. Commissioner Glover said that he is comfortable with it but would like for it to better reflect what currently happens in reality. Mr. Stidham said that while the practice predominantly occurs along the river, it could also occur in other areas away from the river. Commissioner Dunning asked if there is a maximum time limit for leased lot camping and could someone have a lease for five years on a river lot. Mr. Stidham replied yes. Commissioner Dunning asked if this is something we should allow as it can cause problems if the property is sold or if new neighbors move in. Mr. Stidham replied that if someone wants to give away camping rights for five years, they are not operating a commercial campground. Commissioner Dunning asked if we can place a cap on the maximum amount of time a lessee can camp on a leased lot campground. Mr. Stidham noted that the 14 day in a 60-day period camping limitation referenced in the public/non-profit campground language is not referenced in the leased lot campground language. He added that someone leasing a river lot for the summer could easily exceed this time duration. He asked whether the definition of “campground” should include a maximum time limit for camping activities. Commissioner Glover noted that it is customary for river lot leases to be renewed on an annual basis. Commissioner Dunning said that we should have some limit on the maximum time that camping activities can take place. Mr. Stidham noted that one safeguard in leased lot camping is that the activity must be “primitive camping” and site improvements are limited. Chair Ohrstrom asked if water and sewer hookups are allowed and Mr. Stidham replied no. Chair Ohrstrom added that this means that RVs will have to leave the site to re-fill with water and to dump their septic tanks. Mr. Stidham noted that the regulations would prevent someone from building porches or decking around an RV and allowing it to remain on the property as a permanent structure. Mr. Stidham then briefly explained how Staff investigates complaints of people living in RVs. Commissioner Dunning commented that a person can live for a long time in an RV depending on how it is equipped.

Mr. Stidham said that if the 14 day in a 60-day period limitation were applied to leased lot campgrounds, he would also interpret this to apply to how long an RV can remain on the property. Chair Ohrstrom said that camping activities on leased lot campgrounds can take place all summer, and Mr. Stidham noted that applying the aforementioned time limitation would potentially interfere with how river lots are being used. Mr. Stidham also noted that limiting camping activities to primitive camping reduces the likelihood of someone living in an RV. Commissioner Glover asked how primitive camping is defined and Mr. Stidham explained how

the proposed text amendment language would be applied. He also stated that Staff has a good process in place to address complaints of people living in RVs. Commissioner Dunning asked what would happen to the lessees if a leased lot campground owner sells the property, and Mr. Stidham replied that it depends on the wording of the lease. Mr. Stidham also referenced current zoning regulations that allow for temporary use of an RV for residential purposes if you are constructing a new home on the lot or your existing home has been destroyed.

Commissioner Glover said that he has reservations about the word “primitive” because it can be open to interpretation. He noted that camping in an RV without hookups would be considered primitive in the text amendment but he grew up with the understanding that primitive camping is tent camping. Mr. Stidham noted that a lessee would not be allowed to connect an RV to a private well and onsite sewage disposal system in a leased lot campground situation because only primitive camping is allowed. Commissioner Dunning said this is a good idea and should help to ensure that RVs remain mobile and leave the property.

Chair Ohrstrom asked whether these proposed regulations will change current camping activities along the river, and he also asked whether people are actually renting out multiple river lots. Commissioner Glover replied yes and said that he has observed RVs coming in and staying for a long time, perhaps the entire summer. He added that on the weekends, some river lots can fill up with multiple RVs and noted one lot that contains 30 river lots. He said this does not comply with current rules and would not be in compliance with the proposed text amendment, but he also noted that there are not many problems occurring right now including septic issues. Mr. Stidham said that they typically will not receive a complaint if the property owner runs a clean operation. He also stated that the metric of three or more campsites requiring a special use permit was created with river lot camping in mind as two campsites should be plenty for a single river lot. He said that today, any river lot camping activity with three or more campsites would have to get a special use permit. He added that the only thing we would be changing with the text amendment is prohibiting commercial campgrounds. Chair Ohrstrom asked if they can get a special use permit to have more than two campsites. Mr. Stidham replied yes under current rules but they would lose that option if the text amendment is adopted. Chair Ohrstrom said this could be a big impact and Mr. Stidham replied only if we were to receive a complaint.

Mr. Stidham asked the members about the proposed public/non-profit campground regulations and the concept of allowing property owners to host groups for camping on a short term basis. He added that we do not want to prohibit commercial campgrounds and allow public/non-profit campgrounds to operate which may have similar impacts. Commissioner Glover said that the proposed private/non-profit campground regulations would prohibit camping similar to the Lions Club from operating. Mr. Stidham replied that the elimination of the “summer camp” use would accomplish that. Commissioner Dunning asked how easy it would be to be considered a “similar organization” to a non-profit organization. Mr. Stidham replied that this would apply to not-for-profit organizations and unincorporated clubs. Chair Ohrstrom asked if this would put the Lions Club camp out of business and Mr. Stidham replied no because they would be considered nonconforming.

Regarding 14 days in a 60-day period, Commissioner Dunning asked if there could be multiple 60-day periods that occur in sequence. Mr. Stidham and Chair Ohrstrom replied yes. Mr.

Stidham added that the egregious violations would be the ones that would generate complaints. Chair Ohrstrom asked about the use of yurts in campgrounds. Mr. Stidham replied that a yurt can be used for camping so long as it is not constructed as a single-family dwelling per the Building Code. He noted that single-family dwellings and accessory dwellings cannot be used for camping – they would be regulated as a short-term residential rental. Chair Ohrstrom asked if this would apply to “glamping” and Mr. Stidham replied yes. He noted that renting out high-end RVs would be prohibited as a commercial campground but renting out cabins or yurts could be approved as a short-term residential rental.

Commissioner Glover said that he wants to make sure that any changes that are adopted can be understood by the public. Mr. Stidham suggested eliminating the chart which is confusing and instead he will write up a draft of how the regulations would be explained in the guidance manual. He then asked the members if they were ready to make a motion to forward the draft text amendment to the full Commission but they indicated that they wanted to see the guidance manual draft first. He said he would provide this at the next committee meeting. Commissioner Dunning added that it is important to explain what is “grandfathered” so that people will understand that existing facilities were built under previous rules.

4. Transportation Plan Update

Mr. Stidham said that for this agenda item, he will provide an orientation of the current Transportation Plan as an introduction to the update project. Chair Ohrstrom said that it is his understanding that the Commission is not involved in fiscal matters and he asked if the Transportation Plan pushes the Commission into doing a fiscal analysis of whether a project makes sense. Mr. Stidham replied that the Code of Virginia requires county land use approaches to transportation needs and also to provide cost estimates for projects in transportation plans. Chair Ohrstrom asked if the cost estimates should go in the capital improvement program (CIP). Mr. Stidham replied that road projects are not included in the CIP unless the county is contributing funds to it.

Mr. Stidham reviewed the Staff memo for the agenda item and the adopted five-year review resolution for the Plan update. He noted that the Committee will be looking more closely at the current list of transportation projects and determine whether the list needs to be updated and modified. Chair Ohrstrom asked how the list of projects relates to the County’s six-year improvement plan. Mr. Stidham replied by explaining how the local six-year improvement plan budget has been reduced to minimal amounts in recent years and covers only hard-surfacing of gravel roads. He also explained how the Smart Scale program for state transportation funding works including how it impacts the potential development of a collector road on the southeastern side of the Town of Berryville. Commissioner Dunning asked if the purpose of the collector road is to alleviate traffic issues for the residents or to make it more convenient for through traffic to avoid going through town. Chair Ohrstrom replied neither and Mr. Stidham added that the original purpose was to allow business park traffic to have direct access to U.S. 340.

Mr. Stidham continued reviewing the five-year review resolution. He noted that the Committee may not want to consider including the Town-County bicycle and pedestrian plan recommendations as this plan was developed in 2014 and may need to be updated.

Mr. Stidham said that he did not want to walk the Committee through the current Plan in detail but wanted to point out a few important things. He noted a paragraph on page 28 of 42 that summarizes the County's conservative philosophy on transportation planning. He said unlike Clarke, most counties are constantly looking for ways to improve the capacity and efficiency of their transportation network. Chair Ohrstrom said that he thinks this language should be highlighted at the beginning of the Plan similar to the opening summary of the Comprehensive Plan. Mr. Stidham added that not only is the County opposed to seeking funding for projects that increase road capacity, they are also opposed to State-sponsored projects that would accomplish the same. Commissioner Glover suggested not including "improve gravel-surface roads" in the updated Plan language and Chair Ohrstrom said that you could end the sentence after "substantial safety improvements." Commissioner Glover said there are not many gravel roads remaining and they are usually low on the priority list. He added that "substantial safety improvements" covers everything and members agreed. Chair Ohrstrom asked if you could prioritize hard surfacing of gravel roads based on a traffic metric. Mr. Stidham replied that the rural rustic roads program through the Virginia Department of Transportation (VDOT) has a minimum traffic threshold for a gravel road to be funded for hard-surfacing. Commissioner Glover asked if government entities are using asphalt millings as an interim improvement for gravel roads and Mr. Stidham replied that he did not know.

Mr. Stidham provided an overview of the current transportation projects beginning on page 29 of 42. He noted that the Waterloo project may have been first included in the Plan before the HandyMart improvements were constructed and VDOT began applying access management standards. He said it would be important to determine whether there is still a need for this improvement project. Regarding the Shepherds Mill Road intersection project, he noted that VDOT has done some small improvements in recent years that may or may not impact the need for this project. Commissioner Malone noted that this is a dangerous intersection. Mr. Stidham said that closing this crossover could limit the use of Shepherds Mill Road as a cut-through for commuter traffic to West Virginia. Chair Ohrstrom and Commissioners Dunning and Glover gave examples of unsafe crossovers that they tend to avoid in favor of other safer ones. Mr. Stidham noted that substandard turn lanes often make crossovers unsafe. He also added that a recommendation could include to conduct more crossover studies.

Mr. Stidham continued reviewing the project list and said that the Double Tollgate intersection project is one to review closely because many aspects of the intersection are substandard. Regarding the East Main Street project, members noted that this would require significant amounts of right of way to be acquired from residential properties in order to complete. Commissioner Glover asked if sidewalks are being installed in this corridor and Mr. Stidham replied that they are going in closer to the railroad crossing. Regarding the drainage improvement project in Boyce, Mr. Stidham said that he has received mixed messages on whether this project is still a need. He said that at one point he was told that the development of the Roseville Downs subdivision included stormwater improvements that helped the drainage situation. He also said that there are drainage issues behind the houses along East Main Street and towards the railroad tracks. He added that we will likely need a more definitive response from the Town on this project.

Regarding the Park and Ride project, Chair Ohrstrom said that the project location is very broad and Mr. Stidham replied that he did not think that it needed to be limited to a location west of Berryville. Mr. Stidham also questioned whether there is a need for the lot. He said that he has not seen the Park and Ride lot on U.S. 50 at capacity, and Commissioner Dunning replied that he has seen the lot full recently. Mr. Stidham noted that the informal lot Route 7 and Route 601 might need to be improved.

Mr. Stidham asked members to consider whether any other improvement projects should be added to this list. Chair Ohrstrom suggested including a traffic calming study in Millwood similar to what was done in Middleburg. Members then had a brief conversation about parking issues in Millwood. Mr. Stidham concluded the agenda item by asking the members to review the transportation objectives listed on page 33 of 42. Chair Ohrstrom asked if the Comprehensive Plan and Transportation Plan should be reviewed at the same time. Mr. Stidham replied that they do not have to be reviewed at the same time but close to one another. Chair Ohrstrom suggested removing “enhance existing commuting opportunities” from Objective 2.

Mr. Stidham said he will start working on drafts of Transportation Plan sections and will bring them to the Commission at future meetings.

5. Other Business

~ None.

ADJOURN: Meeting was adjourned by consensus at 3:26PM.



Brandon Stidham, Clerk